

**NO. NHH-CV19-5003875-S**

**NYRIEL SMITH,  
BY AND THROUGH HER MOTHER  
AND LEGAL GUARDIAN  
NICHELLE HOBBY;**

**: SUPERIOR COURT/  
HOUSING SESSION**

**: JUDICIAL DISTRICT  
: OF NEW HAVEN**

**MUHAWENIMANA SARA,  
BY AND THROUGH HER FATHER  
AND LEGAL GUARDIAN  
RUKARA RUGEREZA;**

**vs.**

**CITY OF NEW HAVEN;**

**TONI HARP,  
IN HER OFFICIAL CAPACITY AS  
MAYOR OF THE CITY OF NEW HAVEN;**

**BYRON KENNEDY,  
IN HIS OFFICIAL CAPACITY AS  
DIRECTOR OF NEW HAVEN  
HEALTH DEPARTMENT; AND**

**PAUL KOWALSKI,  
IN HIS OFFICAL CAPACITY AS  
DIRECTOR OF ENVIRONMENTAL HEALTH,  
NEW HAVEN HEALTH DEPARTMENT**

**: JUNE 20, 2019**

**MOTION FOR CONTEMPT**

Named Plaintiff Nyriel Smith<sup>1</sup> hereby moves, pursuant to Connecticut Practice Book

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<sup>1</sup> Named Plaintiff Muhawenima Sara no longer seeks an inspection and abatement order for the apartment at 187 Wolcott Street. IRIS, the refugee relocation agency that had assisted the Rugereza family to secure the lease for 187 Wolcott Street in the first place, was so concerned with the amount of time that had transpired since the child's first reported blood lead poisoning with no abatement that it assisted the family to move into an alternate, lead safe apartment this past weekend.

Sections 1-13A and 1-21A, that the Court hold the Defendants City of New Haven and Dr. Byron Kennedy in contempt for failing to comply with the Court's June 17, 2019 Order to determine any lead poisoning hazards at her apartment and order abatement of any hazards found as follows:

1. On Monday, June 17, 2019, the Court issued an preliminary injunction order to the City and Dr. Kennedy to "[d]etermine, and order abatement of all lead poisoning hazards existing at . . . 105 Lombard, New Haven. . . by [its] owner, as required by New Haven Ordinance § 16-64."

2. To date, Defendants have not conducted, nor scheduled, an inspection, nor have Defendants even confirmed their intention to conduct an inspection.

3. Counsel for Named Plaintiffs sent an email to Counsel for Defendants on Wednesday morning, June 19, to inquire regarding the scheduling of an inspection. The email went to the three different attorneys, both at the private firm now representing the Defendants and corporation counsel's office. See Exhibit A. Counsel for Defendants did not reply to the email.

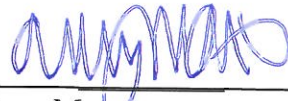
4. Counsel for Named Plaintiffs sent a second email to Counsel for Defendants on Thursday morning, June 20, to inquire regarding the scheduling of an inspection. See Exhibit B. The email went again went to all three different attorneys with appearances in the matter.

5. Counsel for Defendants did not reply to this second email.

6. Counsel for Defendants is knowingly and intentionally violating the judicial order by not scheduling a lead hazards inspection in a reasonable time commensurate with the seriousness of the irreparable harm found by the Court.

THE PLAINTIFFS  
NYRIEL SMITH  
MUHAWENIMANA SARA

BY:



Amy Marx  
Juris No. 419776  
Shelley White  
Juris No. 101201  
Their Attorneys  
New Haven Legal Assistance  
205 Orange Street  
New Haven, CT 06510  
203-946-4811  
amarx@nhlegal.org  
swhite@nhlegal.org

**ORDER**

The motion, having been heard, is hereby GRANTED.

BY THE COURT

\_\_\_\_\_  
Judge

## **Amy Marx**

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**From:** Amy Marx  
**Sent:** Wednesday, June 19, 2019 10:46 AM  
**To:** 'nancy.mendel@winnicklaw.com'; 'Andrew Cohen'; 'Roderick Williams'  
**Cc:** Shelley White  
**Subject:** 105 Lombard and 187 Wolcott

Please advise when the Health Department will be scheduling the lead inspection for Nichelle Hobby at 105 Lombard.

The Rugereza family no longer needs an inspection as they are moving. IRIS was very concerned with how long the family has had to wait for the inspection and assisted to find a new lead safe unit.

Thanks,  
Amy

## Amy Marx

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**From:** Amy Marx  
**Sent:** Thursday, June 20, 2019 10:12 AM  
**To:** 'nancy.mendel@winnicklaw.com'; 'Andrew Cohen'; 'Roderick Williams'  
**Cc:** Shelley White  
**Subject:** RE: 105 Lombard and 187 Wolcott

Please confirm receipt of below and scheduling of the lead inspection for 105 Lombard.

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**From:** Amy Marx  
**Sent:** Wednesday, June 19, 2019 10:46 AM  
**To:** 'nancy.mendel@winnicklaw.com' <nancy.mendel@winnicklaw.com>; 'Andrew Cohen' <Andrew.Cohen@winnicklaw.com>; 'Roderick Williams' <RWilliam@newhavenct.gov>  
**Cc:** Shelley White <SWhite@nhlegal.org>  
**Subject:** 105 Lombard and 187 Wolcott

Please advise when the Health Department will be scheduling the lead inspection for Nichelle Hobby at 105 Lombard.

The Rugereza family no longer needs an inspection as they are moving. IRIS was very concerned with how long the family has had to wait for the inspection and assisted to find a new lead safe unit.

Thanks,  
Amy

**CERTIFICATION**

I hereby certify that a copy of the foregoing Motion for Contempt was emailed and mailed to the following on June 20, 2019:

Andrew A. Cohen, Esq.  
Winnick Ruben Hoffnung Peabody & Mendel, LLC  
110 Whitney Avenue  
New Haven, CT 06510.

Nancy Mendel, Esq.  
Winnick Ruben Hoffnung Peabody & Mendel, LLC  
110 Whitney Avenue  
New Haven, CT 06510

Roderick Williams, Esq.  
Deputy Corporate Counsel  
Office of Corporation Counsel  
City of New Haven  
165 Church Street, 4<sup>th</sup> Floor  
New Haven, CT 06510



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Amy Marx  
Commissioner of the Superior Court